



US Army Corps
Of Engineers
Memphis District

Public Notice

REPLY TO ATTN: Tim Flinn
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
Telephone: (901) 544-0738
Fax: (901) 544-0211
E-Mail: Tim.H.Flinn@usace.army.mil

PUBLIC NOTICE NO:
MVM-2007-341 THF

PUBLIC NOTICE DATE:
August 27 2007

EXPIRATION DATE:
September 26, 2007

POSTMASTER PLEASE POST UNTIL

Joint Public Notice
Corps of Engineers
and
State of Arkansas

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT: Mr. Johnny Adams
14523 Highway 79
Clarendon, Arkansas 72029
(901) 647-4871 Business

LOCATION: The site is approximately 4.3 miles east of Clarendon Arkansas and approximately 0.3 of a mile south on Dial Creek Road in Monroe County, Arkansas at latitude 34° 41' 21.10" N, longitude -91° 13' 14.58" W on the Park Grove, Arkansas 7.5-minute topographic map (Section 21, T-1N, R-2W), as shown on the attached map.

PURPOSE: The purpose of this project is to keep his PC cropland from being inundated by water backing up on the applicant's property.

DESCRIPTION OF WORK: The applicant proposes the addition of a flap gate structure to an existing pipe that goes under Dial Creek Road. Mr. Adams' property is approximately 80 acres, of which 9.2 acres are designated as farmed wetlands and 70.2 acres are prior converted cropland. Recently the drainage from the property has been lost due to beaver activity on Knights Creek which has caused the water elevation to rise. Mr. Adams would like to keep the PC cropland from getting too wet to plant.

MITIGATION: Mitigation is not proposed for this project.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

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Applicant: Mr. Johnny Adams

CULTURAL RESOURCES: The Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally-recognized Tribes, and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the project, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public, Federal, state and local agencies and officials, Federally-recognized Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on the application, please contact Tim Flinn at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0738. The Corps may provide copies of all comments, including the names and address of commenters, to the applicant for consideration and response prior to a decision. Commenters are requested to also furnish a copy of their comments to the State Permits Branch, Water Division, Arkansas, Department of Environmental Quality (ADEQ), 8001 National Drive, Little Rock, Arkansas 72219-8913.

Comments should be received by **September 26, 2007**.


for Larry D. Watson
Chief
Regulatory Branch

Attachments

Application Number MVM-2007-341 THF
Applicant: Mr. Johnny Adams
Project Description: Install a flap gate over a pipe
Park Grove Quad, AR Section, 21, T-1N, R-2W UTM Zone 15
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